

IN THE MATTER OF
THE APPLICATION OF
WILLIAM J. PERDUE
FOR A ZONING VARIANCE ON PROPERTY
LOCATED ON THE SOUTHEAST SIDE OF
RIVERSIDE DRIVE, 100' SOUTHEAST OF
OPPOSITE INTERSECTION OF TAYLOR AVE.:
15th ELECTION DISTRICT
5th COUNCILMANIC DISTRICT

BEFORE
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
CASE NO. 88-511-A

OPINION

The matter comes to the Board as an appeal from the decision of the Deputy Zoning Commissioner dated July 15, 1988 which granted the property owner's Petition for Variance, subject to restrictions.

At the hearing before the Board, Barbara J. Perdue appeared as the sole witness/representative of the Petitioners. She explained that she was the wife of the Petitioner, Gary J. Perdue, and the daughter-in-law of William J. and Doris A. Perdue. She produced a letter from the Petitioners which has been accepted by this Board, and states the Petitioners' desire to withdraw their Petition. On the record, the Board explained its procedure to Mrs. Perdue and the impact of the Petitioners' withdrawal of their request for variance. The Board also provided Mrs. Perdue the opportunity to produce testimony and evidence in support of the Petition. There was no such testimony offered.

In view of the de novo nature of the Board's hearings and the absence of any testimony in support of the Petition, we are obligated to deny the requested variance and will so order.

ORDER

It is therefore this 23rd day of December, 1988 by the

Case No. 88-511-A
William J. Perdue

County Board of Appeals of Baltimore County ORDERED that the Petition for Variance be and is hereby DENIED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

Lawrence E. Schmidt, Acting Chairman

Arnold G. Foreman

Lynn B. Moreland

IN RE: PETITION FOR ZONING VARIANCE
SE/S Riverside Drive, 100' SE
Opposite Intersection of
Taylor Avenue
(520 Riverside Drive)
15th Election District
5th Councilmanic District

BEFORE THE
DEPUTY ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 88-511-A

William J. Perdue, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, as more particularly described on Petitioner's Exhibit 1.

The Petitioners appeared and testified. Also appearing on behalf of the Petition were: Gary and Barbara Perdue, the Petitioners' son and daughter-in-law. Donald and Mary Twine, adjacent property owners, appeared.

Testimony indicated that the subject property, known as 520 Riverside Drive, is zoned D.R. 5.5. The Petitioners propose to construct a swimming pool which, due to the location of other improvements on the property, must be placed in the side yard.

The adjoining neighbors, Mr. & Mrs. Twine, appeared, not as protestants but as interested parties. Mr. & Mrs. Twine stated they appeared to find out the exact location for the proposed pool as they were concerned about the noise level and effect it would have on the use of their own property. In light of the location of the pool, which will be even lengthwise with the front and side of their home, the parties discussed the matter and indicated on the record that they had reached an agreement as to hours the pool would be in use at night and monitoring the

playing of the radio by the pool. The Petitioners indicated that they have installed a 6-foot high fence between their property and the Twines' property to provide screening and privacy.

Based upon the testimony and evidence presented at the hearing, in the opinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public, provided the owners are considerate of their neighbors with respect to the hours the pool is in use. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of July, 1988 that the Petition for Zoning Variance to permit an accessory structure (swimming pool) to be located in the side yard in lieu of the required rear yard, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions, which are conditions precedent to the granting of the relief requested:

1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return,

and be responsible for returning, said property to its original condition.

2) The Petitioners shall submit to the Office of Current Planning for approval within thirty (30) days of the date of this Order, a landscaping plan which provides for screening and soundproofing of the pool area. A copy of the plan approved by Current Planning shall be submitted to the Office of Zoning within sixty (60) days of the date of this Order.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 88-511-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 400.1 To allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: William J. Perdue / Doris A. Perdue
(Type or Print Name)
Signature: William J. Perdue Doris A. Perdue
Address: Gary J. Perdue
City and State: Baltimore, Maryland 21221

Attorney for Petitioner: 520 Riverside Drive 574-5805
(Type or Print Name) Address Phone No.
Baltimore, Maryland 21221
City and State
Signature: Gary J. Perdue
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State: Baltimore, Maryland 21221
Address: 520 Riverside Drive 574-5805
Attorney's Telephone No.: 574-5805

ORDERED By The Zoning Commissioner of Baltimore County, this 13th day of April, 1988, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28th day of June, 1988, at 9 o'clock A.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

Property being known as Lots 3 and 4, Block "D", Section "E", Revised plat of Taylor Land Co. Property, Balto Co., Plat Book 9, Folios 74 & 75. (Essex Subdivision)

"DUPLICATE" CERTIFICATE OF PUBLICATION

TOWSON, MD., June 9, 1988
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., appearing on June 9, 1988

THE JEFFERSONIAN,
S. Zate Olson
Publisher

\$ 33.75

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case number 88-511-A
520 Riverside Drive, 100' SE & Opposite Intersection of Taylor Avenue (520 Riverside Drive)
Petitioner: William J. Perdue, et al.
Hearing Date: Tuesday, June 28, 1988 at 9:00 a.m.
Variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard.
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
6/104 June 9.

CERTIFICATE OF PUBLICATION

Office of

THE AVENUE NEWS

442 Eastern Blvd.
Balto., Md. 21221

JUNE 9, 1988

THIS IS TO CERTIFY, that the annexed advertisement of

PO# 01064 REQ# M14954 TO ADVERTISE PETITION FOR ZONING VARIANCE CASE NUMBER 88-511-A SE/S RIVERSIDE DRIVE 100' SE & OPPOSITE INTERSECTION OF TAYLOR AVE. (520 RIVERSIDE DRIVE) PETITIONERS WILLIAM J. PERDUE, ET UX AL HEARING SCHEDULED TUESDAY JUNE 28, 1988 at 9:00 am 77 lines at \$42.35

was inserted in The Avenue News a weekly newspaper

published in Baltimore County, Maryland once a week for one

successive week(s) before the 10th day of June 1988.

that is to say, the same was inserted in the issues of 6/9/1988.

The Avenue Inc.

per publisher

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District: 15th
Posted for: William J. Perdue et al.
Petitioner: William J. Perdue et al.
Location of property: 520 Riverside Drive, 100' SE / Taylor Ave.
Location of Sign: 520 Riverside Drive, 100' SE / Taylor Ave.
Remarks: 77 lines at \$42.35
Posted by: J. Robert Haines
Number of Signs: 1
Date of return: 6/10/88

Notice Of Hearing

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 108 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petitioner(s): William J. Perdue, et al.
Hearing Date: Tuesday, June 28, 1988 at 9:00 a.m.
Variance to allow an accessory structure (pool) to be located in the side yard in lieu of the required rear yard. In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
Zoning Commissioner of Baltimore County

88-511-A

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this
13th day of April, 1988.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner William J. Perdue, et al
Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

June 6, 1988

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

000

Mr. Gary J. Perdue
520 Riverside Drive
Baltimore, Maryland 21221

RE: Item No. 361 - Case No. 88-511-A
Petitioner: William J. Perdue, et al
Petition for Zoning Variance

Dear Mr. Perdue:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Cours Building, Suite 405
Towson, Maryland 21204
494-3554

May 10, 1988

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 358, 359, 360, 361, 363, 364, 365, 366, 367 and 368.

Very truly yours,

Stephen E. Weber
Stephen E. Weber, P.E.
Assistant Traffic Engineer

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines, Zoning Commissioner Date: May 12, 1988

FROM: P. David Fields, Director, Office of Planning and Zoning

SUBJECT: Zoning Petitions #88-502-A, 88-510-A, 88-511-A, 88-512-A, 88-513-A, 88-515-A, 88-516-A, 88-517-A, 88-518-A, and 88-519-A

RECEIVED ZONING OFFICE
DATE: 5/14/88

There are no comprehensive planning factors requiring comment on the subject petitions.

P. David Fields
P. David Fields, Director
Office of Planning and Zoning

PDF/jat
cc: Shirley Hess, People's Counsel
J. G. Russell
Zoning Office

Baltimore County
Fire Department
Towson, Maryland 21204-2386
494-4500

Paul H. Reincke
Chief

April 20, 1988

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204



Dennis F. Rasmussen
County Executive

Re: Property Owner: William J. Perdue, et ux

Location: SE/S Riverside Drive, 100' SE of and opp. intersection of Taylor Avenue
Item No.: 361 Zoning Agenda: Meeting of 4/12/88

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- () 1. Fire hydrants for the referenced property are required and shall be located at intervals or feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.
- () 2. A second means of vehicle access is required for the site.
- () 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.
- () 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.
- () 6. Site plans are approved, as drawn.
- (x) 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John E. O'Neill* Noted and Approved: *John E. O'Neill*
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

July 15, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. William J. Perdue
520 Riverside Drive
Baltimore, Maryland 21221

RE: PETITION FOR ZONING VARIANCE
SE/S Riverside Drive, 100' SE and Opposite the intersection of Taylor Avenue (520 Riverside Drive)
15th Election District; 5th Councilmanic District
Case No. 88-511-A

Dear Mr. & Mrs. Perdue:

Enclosed please find the decision rendered on the above-referenced case. The Petition for Zoning Variance has been granted in accordance with the attached order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 494-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

Enclosure

cc: Mr. & Mrs. Donald Twine
524 Riverside Drive, 21221

People's Counsel

File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

July 19, 1988



Dennis F. Rasmussen
County Executive

Mr. & Mrs. Donald W. Twine
524 Riverside Drive
Baltimore, Maryland 21221

RE: Petition for Zoning Variance
SE/S Riverside Drive, 100' SE of Opposite
Intersection of Taylor Avenue (520 Riverside Drive)
William J. Perdue, et ux - Petitioners
Case No. 88-511-A

Dear Mr. & Mrs. Twine:

This letter is to acknowledge receipt of your correspondence dated July 16, 1988 on the above-captioned matter.

As you are aware, a decision was rendered in this matter as of July 15, 1988. If you are unhappy with this decision, you have the right to file an appeal, through this office, to the County Board of Appeals. If you would like additional information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

Ann M. Nastarowicz
ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: Case File

To Whom It May Concern:

Re: CASE NO. 88-511-A

We the owners of the property known as 520 Riverside Drive, Baltimore, Maryland 21221, have chosen at this time not to continue with the pursuit for the pool variance. We have considered this matter quite seriously so as not to make a rash decision.

Should we decided in the future that a pool would be to our liking, we will use an alternate method in which our neighbors will not have a part in the decisions taking place in our front side, or back yard.

This matter has made us very aware of our rights with regards to our neighbor's property and we will definitely be on guard for any changes in our community that may affect it or us as property owners and taxpayers.

Sincerely,

William J. Perdue
William J. Perdue
Doris A. Perdue
Doris A. Perdue
Gary J. Perdue
Gary J. Perdue

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3553

J. Robert Haines
Zoning Commissioner

September 7, 1988



Dennis F. Rasmussen
County Executive

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Zoning Variance
SE/S Riverside Drive
100' SE Opposite Intersection of Taylor Avenue
(520 Riverside Drive)
15th Election District, 5th Councilmanic District
WILLIAM J. PERDUE, et ux - Petitioner
Case No. 88-511-A

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 10, 1988 by Mr. & Mrs. D. Twine, interested parties. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer
Enclosures

cc: Mr. & Mrs. Donald M. Twine
524 Riverside Drive, Balto., Md. 21221

Mr. & Mrs. William J. Perdue
519 Riverside Drive, Balto., Md. 21221

Mr. & Mrs. Gary Perdue
520 Riverside Drive, Balto., Md. 21221

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Zoning Variance
SE/S Riverside Drive, 100' SE Opposite Intersection of Taylor Avenue
(520 Riverside Drive)
15th Election District, 5th Councilmanic District
WILLIAM J. PERDUE, et ux - Petitioner
Case No. 88-511-A

Petition for Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments

Petitioner's Exhibits: Plat showing improvements only

Deputy Zoning Commissioner's Order dated July 15, 1988 (Granted with restrictions)

Notice of Appeal received August 10, 1988 from Mr. & Mrs. D. Twine.

cc: Mr. & Mrs. Donald M. Twine
524 Riverside Drive, Balto., Md. 21221
Mr. & Mrs. William J. Perdue
519 Riverside Drive, Balto., Md. 21221
Mr. & Mrs. Gary Perdue
520 Riverside Drive, Balto., Md. 21221
People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204
Request Notification: P. David Fields, Director of Planning & Zoning
Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
Docket Clerk

